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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TIM O'NEILL, an individual; on behalf of
himself and all others similarly situated,

Plaintiff,

v.

GENESIS LOGISTICS, INC. and DOES 1
through 10, inclusive

Defendants.

Case No. CV08-4107 SI

**STIPULATION AND PROPOSED
ORDER TO CONTINUE FEBRUARY
20, 2009 CASE MANAGEMENT
CONFERENCE; EXHIBIT 1**

Judge: Honorable Susan Illston
Crm: 10, 19th floor

1 **WHEREAS** On January 10, 2009 the Court found good cause, approved the parties'
 2 stipulation, and ordered that Plaintiff's remand hearing set for January 23, 2009 at 9:00 AM is
 3 deemed withdrawn so the parties can engage in limited Rule 26 discovery and participate in an
 4 early mediation on or before June 15, 2009 (See Docket No. 19);

5 **WHEREAS** on February 18, 2009, the parties received a Clerk's Notice of a Case
 6 Management Conference scheduled for Friday, February 20, 2009 at 2:30 PM;

7 **WHEREAS** the parties have engaged in a Rule 26 Conference and have discussed the
 8 scope of pre-mediation discovery in this putative class action;

9 **WHEREAS** the parties are gathering relevant documents to disclose and analyze before
 10 conducting Plaintiff's deposition, prepare mediation briefs and engage in meaningful early
 11 mediation;

12 **IT IS HEREBY STIPULATED:**

13 The February 20, 2009 Case Management Conference is continued until after the parties
 14 engage in early mediation on or before June 15, 2009.

15 In the alternative, the February 20, 2009 Case Management Conference is continued until
 16 March 20, 2009.

17 DATED: February 18, 2009

RAO ONGARO LLP

18
 19 By 
 20 Anthony J. Rao

21 Attorneys for Defendant
 22 GENESIS LOGISTICS, INC.

23 DATED: February 19, 2009

KINGSLEY & KINGSLEY APC

24
 25 By 
 26 George R. Kingsley

27 Attorneys for Plaintiff
 28 TIM O'NEILL on behalf of himself and all
 others similarly situated

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 18 GENESIS LOGISTICS, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 TIM O'NEILL, an individual; on behalf of
 22 himself and all others similarly situated,

23 Plaintiff,

24 v.

25 GENESIS LOGISTICS, INC. and DOES 1
 26 through 10, inclusive

27 Defendants.

Case No. CV08-4107 SI

**STIPULATION AND PROPOSED
 ORDER TO STAY JANUARY 23, 2009
 REMAND HEARING SO PARTIES
 CAN ENGAGE IN MEDIATION**

Judge: Honorable Susan Illston
 Ctrm: 10, 19th floor

28 WHEREAS Defendant GENESIS LOGISTICS, INC. removed this case to federal court
 under the Class Action Fairness Act on August 27, 2008;

WHEREAS Plaintiff TIM O'NEILL moved to remand this case back to state court on
 October 27, 2008;

WHEREAS the remand hearing date is January 23, 2009 at 9:00 am;

REMAND HEARING STIPULATION AND PROPOSED ORDER

EXHIBIT

1 WHEREAS counsel for all parties met and conferred regarding the possibility of early
2 mediation;

3 IT IS HEREBY STIPULATED THAT:

4 The remand hearing set for January 23, 2009 is stayed pending limited Rule 26 discovery
5 and early mediation;

6 The parties will exchange documents under Rule 26 and Plaintiff's deposition will be
7 taken;

8 The parties will attend an early mediation on or before June 15, 2009;

9 If the case does not resolve, the parties will immediately notify the Court and the remand
10 hearing will go back on calendar.

11 DATED: January 16, 2009

RAO ONGARO LLP

12
13 By 
14 Anthony J. Rao

15 Attorneys for Defendant
GENESIS LOGISTICS, INC.

16 DATED: January 16, 2009

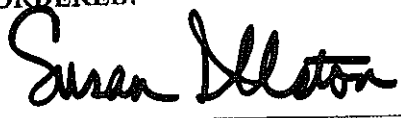
KINGSLEY & KINGSLEY APC

17
18 By 
19 George R. Kingsley

20 Attorneys for Plaintiff
TIM O'NEILL on behalf of himself and all
21 others similarly situated

22
23 FOR GOOD CAUSE, THE FOREGOING
24 STIPULATION IS APPROVED AND IS SO ORDERED.

25
26 DATED: _____


Honorable Susan Illston

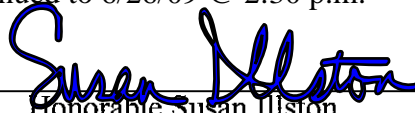
27 The Motion to Remand is deemed withdrawn by may be renoticed of the case does not resolve at
28 mediation.

REMAND HEARING STIPULATION AND PROPOSED ORDER

1 **FOR GOOD CAUSE, THE FOREGOING**
2 **STIPULATION IS APPROVED AND IS SO ORDERED.**

3 The case management conference has been continued to 6/26/09 @ 2:30 p.m.

4 DATED: _____

5 
6 Honorable Susan Illston